

Application No. 09/938,280

REMARKS

By this Amendment, claims 1, 11, 16 and 20 are amended. Claim 2 has previously been cancelled. Therefore, claims 1 and 3-20 are pending. No new matter has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In response to the Office Action mailed August 11, 2003, we request reconsideration of the rejection under 35 U.S.C. § 103(a) as being unpatentable over Ohta et al. in view of Taga and further in view of Shimada. We request that reconsideration because the cited combination of references fails to teach toward the claimed limitation of the "actuation mechanism holding the ratchet at a position at which the ratchet cannot engage with the latch after the ratchet disengages from the latch, unless the courtesy switch detects that the door is located at the predetermined position." In the present invention, the courtesy switch controls the ratchet position. In the prior art, the courtesy switch does not control ratchet position. This limitation is not disclosed or suggested in any of the art of record in the application.

While this limitation is inherent in the prior claim language, claims 1, 11, 16 and 20 have been amended to expressly recite this aspect of the invention. Applicant takes the position that these amendments have not narrowed the scope of the claims. These claims now recite the limitation "the courtesy switch controlling the action of the ratchet through the actuation mechanism, *wherein the courtesy switch commands the actuation mechanism to hold the ratchet at a position at which the ratchet cannot engage with the latch after the ratchet disengages from the latch*, unless the courtesy switch detects that the door is located at the predetermined position." This limitation is not disclosed or suggested in any of the art of record.

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The Examiner has stated in the most recent Office Action that "Therefore, Ohta discloses the limitation that the actuation mechanism holds ratchet at a position at which the ratchet cannot engage with the latch after the ratchet disengages from the latch." The Examiner further states that "Taga teaches that is known in the art to have courtesy switch (85, 86 and 88) to detect the door is in a predetermined position separate from the release position in the door opening direction in order to prevent inadvertent closing of the door" and that "Shimada teaches that is known in the art to have a time (108) in a controller (100) of a closer device in order to set time to the latching operations."

What is missing from that combination is any teaching of the courtesy switch controlling *the position of the ratchet*, relative to the latch. Instead, Taga only teaches the use of a courtesy switch, and it only teaches that the courtesy switch controlling the electric closing unit, which is completely independent of any ratchet. Looking at Figure 2, the lock unit 15, which contains the latch plate is located in the trunk lid, while the electric closing unit 20 is located in the trunk space.

The control unit only controls whether or not the electric closing unit is energized. The control unit does not control whether or not the locking plate locks the latch plate. Instead, the locking of the latch plate by the locking plate is a condition sensed by the third position sensor and is a precondition of the electric closing unit being energized. (It is a controlling variable, not a controlled one.) Thus, in no way would it teach the actuation mechanism holding the ratchet at a position at which it cannot engage with the latch after the ratchet disengages from the latch,

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unless the detection device courtesy switch detects that the door is located at the predetermined position.

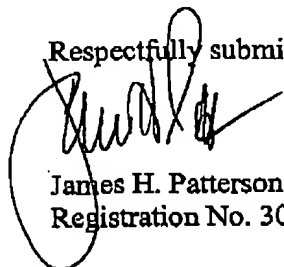
In our claimed invention, the controller not only controls the motor, but by controlling the motor also controls position of the connecting arm, which would control the position of the ratchets. As long as the connecting arm is located at the intermediate stop position, the drive cam (part of the actuation mechanism) operates to hold the first and second ratchets at positions at which the ratchets cannot engage with the latch, and the unintentional locking of the truck door is avoided.

#### CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of Claims 1 and 3-20 are earnestly solicited.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution. The Commissioner is hereby authorized to charge any additional fees which may be due, or to credit any overpayment made, to Deposit Account No. 16-0631.

Respectfully submitted,



James H. Patterson  
Registration No. 30,673

Customer No. 24113  
Patterson, Thuent, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5741